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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,584	06/29/2001	Chung-Sheng Li	YOR920010407US1	7893

7590 10/12/2006
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560

EXAMINER

SHEIKH, ASFAND M

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,584

Applicant(s)

LI ET AL.

Examiner

Asfand M. Sheikh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-10, 13, 15-18 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-10, 13, 15-18 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09-Aug-06 has been entered.

Acknowledgements

2. In response to the Remarks/Arguments received on 09-Aug-06: Claims 1-4, 7-10, 13, 15-18, 21-24, 25, and 26 are presently pending for examination. Claims 5, 6, 11, 12, 14, 19, and 20 have been cancelled. Further Claims 1, 13, 15, and 25 have been amended.

3. In light of the amendments to claims 1, 13, 15, and 25, new grounds of rejection have been made.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1-4, 7-9, 13, 15-18, 21-23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salvo et al. United States Patent 5,749,081 (hereinafter Salvo) in view of Neumayer United States Patent Application Publication 2002/0168679.

As per claim 1, Salvo discloses at least one broker device automatically collecting information relating to a status associated with at least one inventory item from one or more sources (col. 3, lines 52-55 and col. 4, lines 32-41), the at least one broker device automatically accessing at least one inventory price source in order to: (1) obtain information to determine one or more optimal parameters, based on the collected status information, to be used for replenishing the at least one inventory item (col. 3, lines 57-62 and col. 6, lines 7-49); and

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information related to an order of the inventory item from the provider of the inventory (col. 5, lines 7-10 and col. 7, lines 23-54); aggregating and deaggregating order information related to an inventory item (col. 6, lines 47-62).

Salvo fails to explicitly disclose an electronic market place wherein the electronic market place comprises an electronic trading network site; ordering a quantity of inventory via the electronic market place; and the at least one broker device one of aggregating and deaggregating multiple orders for the inventory as to minimize an overall purchasing cost attributable to the multiple orders.

However Neumayer discloses an electronic market place wherein the electronic market place comprises an electronic trading network site (0002 and 0018); ordering a quantity of inventory via the electronic market place (0018); and a broker device one of aggregating and deaggregating multiple orders for the inventory as to minimize an overall purchasing cost attributable to the multiple orders (0005-0007; 0027; and 0040 Examiner notes a restriction to an aggregation rule would deaggregate an order).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Salvo to include an electronic market place wherein the

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electronic market place comprises an electronic trading network site; ordering a quantity of inventory via the electronic market place; and a broker device one of aggregating and deaggregating multiple orders for the inventory as to minimize an overall purchasing cost attributable to the multiple orders as taught by Neumayer. One of ordinary skill in the art would have been motivated to combine the teachings in order to combine multiple orders in order to take advantage of volume discounts (Neumayer, 0004).

As per claims 2, Salvo discloses the electronic market place accessing step further comprises monitoring at least one of pricing and supply trends associated with at least one electronic marketplace on the at least one inventory item (col. 6, lines 11-19).

As per claims 3, Salvo discloses the one or more optimal parameters comprise an optimal time to acquire the at least one inventory item via the at least one electronic marketplace (col. 6, lines 41-43).

As per claims 4, Salvo discloses the one or more optimal parameters comprise an optimal quantity of the at least one

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inventory item to acquire via the at least one electronic marketplace (col. 6, lines 32-34 and lines 47-63).

As per claims 7, Salvo discloses the step of automatically generating an alert to an individual that an order may need to be placed for the at least one item (col. 8, lines 51-55).

As per claims 8, Salvo discloses the step of automatically collecting information further comprises collecting usage pattern information associated with the at least one item (col. 10, lines 9-19).

As per claims 9, Salvo discloses the step of accessing the at least one electronic marketplace further comprises gather information on a market condition associated with the at least one inventory item (col. 6, lines 11-19).

As per claim 13, Salvo discloses wherein the one ore more sources comprise an embedded senor system (col. 4, lines 32-33).

As per claims 15-18 and 21-23, the Examiner notes that the limitations of claims 15-18 and 21-23 are substantially similar to those of claims 1-4, 9, and 13. Thus claims 15-18 and 21-23 are rejected under similar grounds.

As per claims 25 and 26, the Examiner notes that the limitations of claims 25 and 26 are substantially similar to those of claims 1-4, 7-9, and 13. Thus claims 25 and 26 are rejected under similar grounds.

6. Claims 10 and 14 rejected under 35 U.S.C. 103(a) as being unpatentable over Salvo et al. United States Patent 5,749,081 (hereinafter Salvo) in view of Neumayer United States Patent Application Publication 2002/0168679 as applied to claims 1 and 15 above, and further in view of Whiteis U.S. Pat. 5,749,081.

As per claims 10 and 24, Salvo in view of Neumayer fails to disclose the step of automatically generating a recommendation of at least one of a different brand and different type of an item to a consumer of the inventory.

However Whiteis discloses the step of automatically generating a recommendation of at least one of a different brand and different type of an item to a consumer of the inventory (col. 3, lines 12-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Salvo in view of Neumayer to include the step of automatically generating a recommendation of at least one of a

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different brand and different type of an item to a consumer of the inventory as taught by Whiteis. One of ordinary skill in the art would have been motivated to combine the teachings in order to provide an accurate and subjective recommendation (Whiteis, col. 1, lines 64-67 and col. 2, lines 1-16).

Response to Arguments

7. Applicant's arguments with respect to claim 1-4, 7-10, 13, 15-18, 21-24, 25, and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asfand M. Sheikh whose telephone number is (571) 272-1466. The examiner can normally be reached on M-F 8a-4:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call (800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

Asfand M Sheikh
Examiner
Art Unit 3627

ams
5-Oct-06

 10/5/06
F. RYAN ZEENDER
PRIMARY EXAMINER